

Examiner asserts that an essential structural cooperative relationship of elements is omitted amounting to a gap between the necessary and structural connections. The Examiner states that it is unclear from the claim language how the plurality of linear fold regions are related to the first and second layers. The Examiner further asserts that the phrase “the first and second layers separate from one another” in claims 14, 19 and 27 is unclear which renders the claims vague and indefinite. The Examiner concludes stating that it is unclear how the first and second layers are separate from one another if they are bonded to one another.

The Examiner has further rejected claim 19 under 35 U.S.C. §102(b) as being anticipated by the above-noted Skjelby patent.

Applicant respectfully and earnestly traverses the rejections based upon Skjelby and the §112, 2nd paragraph rejections. First, addressing the §112 rejections, with respect to “how the plurality of linear fold regions are related to the first and second layers” as provided in the claims the linear fold regions are provided in the laminate. Each of the fold regions overlies and defines a crease line in the laminate. As provided further in the claims, the linear fold regions have a bond strength that is greater than zero but is less than the bond strength throughout the portions of the laminate that do not fall within the linear fold regions. Thus, the linear fold regions are regions within the laminate (which is defined by the first and second layers) that overlie and correspond to the crease lines in the packaging laminate. Thus, Applicant submits that it is quite clear from the claims how the plurality of linear fold regions are related to the first and second layers. If, however, the Examiner believes that other language would more clearly define the present invention, it is requested that the Examiner contact the undersigned to discuss proposed language changes for purposes of clarity.

With respect to the Examiner’s query regarding “the first and second layers separate from one another”, Applicant submits that this language, as well, is clear and definite. Specifically, Applicant directs the Examiner’s attention to FIG. 1B and the text on page 5 from lines 16-30. In this figure and the text describing the figure, the invention

is described (and the claims are to be interpreted in accordance with this text), as packaging material with fold indications having reduced or preferably eliminated adhesive bonding strength between the core layer 11 and the inside layer 12 along the fold indications. As further described, “[w]hen adhesion is reduced or eliminated between the two layers in the fold regions, the two layer need not, on the hand, accompany one another in the folding, and therefore do not effect each other as much during the folding process.”

Applicant submits that the figure clearly depicts this description in which the layers of the laminate separate (not “are” separate) from one another during the folding process. To this end, Applicant submits that the phrase “the first and second layers separate from one another” in claims 14, 19 and 27 is, in fact, clear and particularly points out and distinctly claims the subject matter of the invention.

As viewed from a purely grammatical perspective, the word “separate” in the claims is used as a verb and not an adjective. That is, the layers separate from one another, rather than the layers are separate from one another. Accordingly, separate defines the action of the layers parting from one another rather than stating that the layers are distinct from one another. Applicant submits that this interpretation of the word separate is fully supported by the entirety of the specification, particularly in conjunction with the figures.

With respect to the art based rejections, in sum, the Examiner has rejected all of the claims under §102(b) or §103 as being anticipated by, or obvious or the Skjelby reference. Applicant respectfully submits that the Examiner has mischaracterized, or misinterpreted the teachings of Skjelby and has applied these mischaracterized or misinterpreted teachings to the present pending claims.

As described above, the present invention is directed to a packaging laminate that has first and second layers bonded to one another at a first bond strength. The first and second layers are coextensive with one another. The laminate has a plurality of linear fold regions. Each of the linear fold regions overlies and defines a corresponding crease

line of the laminate. The linear fold regions have a bond strength (bonding the first and second layers to one another) that is greater than zero but is less than the first bond strength. That is, the bond strength of the laminate at the linear fold regions is less than the bond strength throughout the remainder of the laminate. To this end, when the laminate is folded at the crease lines, the first and second layers separate from one another. That is, the first and second layers part from one another at the crease lines.

The Skjelby reference on the other hand is directed to a paperboard container that includes an adhesive material coating (indicated as items 142, 144, and 146 in FIG. 10). The adhesive coating is applied to the material to prevent the panels of the carton from sealing to one another. The adhesive is not, in fact, intended to reduce the adhesion within the laminate material. Rather, the adhesive in Skjelby is external to prevent one area of the laminate material from adhering to another area of the laminate material. This is in complete contrast to the present invention in which the reduced bond strength is within (e.g., internal to) the laminate material and not physically external to the laminate material as is the adhesive in Skjelby. As such, Applicant submits that the Examiner has, in fact, mischaracterized Skjelby as applying to a phenomenon internal to the laminate material, when, in fact, Skjelby's adhesive is directed to a phenomenon external of the laminate material.

To this end, Applicant submits that the presently claimed invention, which includes reduced bond strengths internal to the laminate material is, in fact, allowable over the art of record and in particular the Skjelby reference which shows an adhesive material that reduces the bond between (external portions) of two regions of the laminate material.

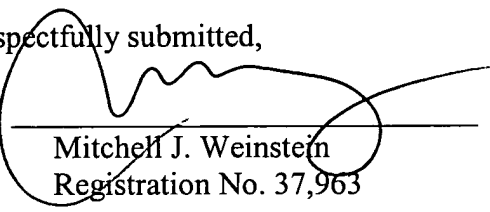
In conclusion, Applicant respectfully submits that the claims are, in fact, allowable over the art of records and further submits that the claims are fully in comport with 35 U.S.C. §112. Accordingly, Applicant respectfully requests that the Examiner withdraw the bases for rejection of claims 14-17 and 19-30 and allow the application and claims as pending.

Applicant believes that there is no fee due in connection with the present Response. If, however, there is a fee due, Applicant requests that this paper constitute any necessary petition and authorizes the Commissioner to charge any underpayment, or credit any overpayment, to Deposit Account No. 23-0920. A duplicate copy of this sheet is enclosed.

Should the Examiner believe that a telephone interview would help expedite prosecution and allowance of the present application, she is respectfully requested to contact the undersigned.

Respectfully submitted,

By



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